

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
CHICAGO DIVISION**

**CASE NO.: 1:21-cv-00181**

DUFFY ARCHIVE LIMITED,

Plaintiff,

v.

THE FOUND, INC., LAURA SZUMOWSKI,  
and REBECCA'S RASPBERRIES INC. dba  
URBAN GENERAL STORE,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff DUFFY ARCHIVE LIMITED by and through its undersigned counsel, brings this Complaint against Defendants THE FOUND, INC., LAURA SZUMOWSKI, AND REBECCA'S RASPBERRIES INC. DBA URBAN GENERAL STORE for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff DUFFY ARCHIVE LIMITED (“Duffy”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Duffy’s original copyrighted Work of authorship in its Work.

2. The archive is made up of negatives and contact sheets of the work of legendary photographer and film producer Brian Duffy that have been retrieved from numerous UK and international publications such as Vogue, French Elle, Glamour, The Sunday Times, The Telegraph to name but a few in addition to work held by independent archives. Duffy's work has been exhibited in numerous galleries and museums around the world. In 2013, the Victoria and

**SRIPLAW**

CALIFORNIA ♦ GEORGIA ♦ FLORIDA ♦ TENNESSEE ♦ NEW YORK

Albert Museum procured the right to use Duffy's "Aladdin Sane" image as the lead image for the "David Bowie" exhibition. In 2014, Duffy's second book was released "Duffy Bowie: Five Sessions", which covers the back story to his work with David Bowie. The process of exhibiting Duffy's work continues and the future holds several more book projects illuminating Duffy's eclectic and influential work.

3. Defendant THE FOUND, INC. ("TFI") is a Chicago based internet online retailer of kitschy gifts, greeting cards, stationery, including calendars, mugs, keychains, match boxes, mirrors, tote bags, magnets, stickers, puzzles, watches, gift tags, gift wrap, art prints, and city-themed gifts. Some of the items depict images of Mariah Carey, Willie Nelson, the Obamas, Bob Ross, Dolly Parton, Ruth Bader Ginsburg, Frieda Kahlo, and Johnny Cash.

4. Defendant Laura Szumowski ("Szumowski") is upon information and belief the lead artist and illustrator for TFI.

5. Defendant REBECCA'S RASPBERRIES INC. dba URBAN GENERAL STORE ("UGS") is a specialty gift store that carries a wide variety of fun, functional, inspirational and well-designed items. UGS has three brick and mortar stores and an online store located at the internet URL [www.urbangeneralstore.com](http://www.urbangeneralstore.com) (the "Website"). The brick and mortar stores are named ENJOY Andersonville, ENJOY Lincoln Square and Urban General Store. All three stores are located in the Chicagoland area.

6. Defendants TFI, Szumowski and UGS are collectively referred to herein as "Defendants."

7. Duffy alleges that Defendants copied Duffy's copyrighted work, made derivative works of Duffy's copyrighted work, distributed infringing copies of Duffy's copyrighted works for purposes of selling those works at a profit.

8. In addition, Duffy alleges that Defendants copied Duffy's copyrighted work, made derivative works of Duffy's copyrighted work, and distributed Duffy's copyrighted work on the Internet, in print, and elsewhere, for purposes of advertising and promoting sales to the public in the course and scope of the Defendants' businesses.

### **JURISDICTION AND VENUE**

9. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

10. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

11. Defendants are subject to personal jurisdiction in Illinois.

12. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

### **DEFENDANTS**

13. The Found, Inc. is an Illinois Corporation, with its principal place of business at 3401 North Kedzie, Chicago, Illinois, 60618, and can be served by serving its Registered Agent, Mr. James York, 2138 West Moffat Street, Chicago, Illinois, 60647.

14. Laura Szumowski is an individual residing in Cook county, state of Illinois and can be served at 3401 North Kedzie, Chicago, IL 60618

15. Rebecca's Raspberries Inc. is an Illinois Corporation doing business as Urban General Store, with its principal place of business at 4723 North Lincoln Avenue, Chicago, Illinois, 60625, and can be served by serving its Registered Agent, Ms. Rebecca Wood at 5345 North Bomanville, Chicago, Illinois, 60625.

**THE COPYRIGHTED WORK AT ISSUE**

16. In 1973, Duffy created the photograph entitled Z\_1258\_11, which is shown below and referred to herein as the “Work”.



17. Duffy registered the Work with the Register of Copyrights on September 21, 2017 and was assigned the registration number VA 2-068-612. The Certificate of Registration is attached hereto as Exhibit 1.

18. Duffy’s Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

19. At all relevant times Duffy was the owner of the copyrighted Work at issue in this case.

**INFRINGEMENT BY DEFENDANTS**

20. Defendants have never been licensed to use the Work at issue in this action for any purpose.

21. On a date after the Work at issue in this action was created, but prior to the filing of this action, and without Duffy’s permission, Defendants copied the Work, made derivative works of the Work, and distributed the derivative works in violation of Duffy’s exclusive rights.

22. On or about September 19, 2019, Duffy discovered the unauthorized use on Instagram. On or about December 1, 2020, Duffy discovered the unauthorized use on UGS Website in the form of candles, koozies and face masks, when searching for the continued infringement of TFI’s products on the Website.

23. An example of a copy and derivative work made by TFI is shown below.



**David Bowie Rebel Pouch**

**\$16.95**

24. An example of a copy and derivative work made by UGS is shown below.



**Ziggy Stardust Bowie Koozie**

**\$4.95**

25. After Defendants copied the Work, made derivative works of the Work, and distributed the Work, they made further copies and distributed the Work on the internet and in social media posts to promote the sale of their goods.

26. Defendants copied and distributed Duffy's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

27. Duffy's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

28. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

29. Duffy never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

30. Duffy notified Defendants of the allegations set forth herein on July 31, 2020 and August 4, 2020. To date, Defendants have failed to respond to Plaintiff's Notices. Copies of the Notices to Defendants are attached hereto as Exhibit 3.

**COUNT I**  
**DIRECT INFRINGEMENT AGAINST ALL DEFENDANTS**

31. Duffy incorporates the allegations of paragraphs 1 through 30 of this Complaint as if fully set forth herein.

32. Duffy owns a valid copyright in the Work at issue in this case.

33. Duffy registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

34. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Duffy's authorization in violation of 17 U.S.C. § 501.

35. Defendants performed the acts alleged in the course and scope of its business activities.

36. Defendants' acts were willful.

37. Duffy has been damaged.

38. The harm caused to Duffy has been irreparable.

WHEREFORE, the Plaintiff Duffy Archive Limited prays for judgment against the Defendants The Found, Inc., Laura Szumowski, and Rebecca's Raspberries Inc. dba Urban General Store that:

a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendants be required to pay Plaintiff its actual damages and Defendants' profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: January 12, 2021

Respectfully submitted,

*/s/Joel B. Rothman*

JOEL B. ROTHMAN

[joel.rothman@sriplaw.com](mailto:joel.rothman@sriplaw.com)

CRAIG A. WIRTH

[craig.wirth@sriplaw.com](mailto:craig.wirth@sriplaw.com)

### **SRIPLAW**

21301 Powerline Road

Suite 100

Boca Raton, FL 33433

561.404.4350 – Telephone

561.404.4353 – Facsimile

*Attorneys for Plaintiff Duffy Archive Limited*